

House Resolution 1294

By: Representatives Reese of the 98th, Mills of the 25th, Walker of the 107th, Loudermilk of the 14th, Scott of the 2nd, and others

A RESOLUTION

1 Commending the investigative work of the United States Department of Defense following
2 the shootings at Fort Hood Military Base in Texas and urging Secretary of the Army John
3 McHugh to include the unborn child of a victim as one of the homicides committed on
4 November 5, 2009, and charge Major Nidal Malik Hasan accordingly; and for other
5 purposes.

6 WHEREAS, the members of this body express their gratitude to the Department of Defense
7 on their efficient and sensitive investigative work after the Fort Hood Military Base
8 shootings of 2009; and

9 WHEREAS, the perpetrator accused to have committed the atrocious murders, Major Nidal
10 Malik Hasan, has been charged with 13 counts of premeditated murder under Article 118 of
11 the Uniform Code of Military Justice (UCMJ) and is scheduled to be tried in a military court
12 martial; and

13 WHEREAS, if it is conclusively proven that one of the victims, Private Francheska Velez,
14 was pregnant at the time of the shootings, the members of this body respectfully request that
15 an additional charge be brought for the murder of this child; and

16 WHEREAS, an unborn child must be afforded the same legal protections against offenses
17 that can be committed against individuals, and, under Article 119(a) of the UCMJ, it is not
18 required that a perpetrator be aware of a pregnancy in order to be charged with a crime
19 against a child in utero; and

20 WHEREAS, additionally, Texas law provides that a civilian who commits an offense that
21 results in harm or death to an unborn child can be prosecuted in that state in the same manner
22 as the offense committed against an individual who is born; and

23 WHEREAS, charging Major Hasan with an additional murder for the death of Private Velez's
24 unborn child would align with the spirit and purpose of state law in Texas.

25 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
26 the members of this body honor the victims of the shootings at Texas's Fort Hood Military
27 Base, commend the United States Department of Defense on their investigative work
28 following the tragedy, and urge Secretary of the Army John McHugh to charge Major Hasan
29 with an additional count of homicide for the unborn child of a victim.

30 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
31 and directed to transmit an appropriate copy of this resolution to Secretary of the Army John
32 McHugh.